

# Court of Appeals, State of Michigan

## ORDER

People of MI v Loutfi Miko Kaddis

Docket No. 276562

LC No. 05-015451-FH

Jane M. Beckering  
Presiding Judge

William B. Murphy

Jane E. Markey  
Judges

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The Court orders that the motion for peremptory reversal pursuant to MCR 7.211(C)(4) is GRANTED for the reason that the trial court erroneously scored 15 points for Offense Variable [OV] 10, MCL 777.40 (exploitation of a vulnerable victim). Defendant's conduct did not place any vulnerable victim in jeopardy, regardless of defendant's subjective intent, where the victim was an adult police decoy, and not a minor. Under these circumstances, defendant cannot be assessed points under OV 10. *People v Russell*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (2008).

Defendant's sentence is VACATED and this cause is REMANDED for resentencing. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB -9 2009

Date

*Sandra Schultz Mengel*  
Chief Clerk